

**IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION**

**IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS**

FIRST AMENDED ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

On April 3, 2013, the Franklin County Clerk of Courts and the Franklin County Common Pleas Court began a phased implementation of an electronic filing system ("the e-Filing System") with respect to criminal cases.

The Franklin County Common Pleas Court then implemented mandatory e-Filing in criminal cases as outlined below:

<u>Criminal Case Type</u>		<u>Mandatory e-File "Go-Live" Date</u>
All Indictments (*excluding Bill of Information)		April 3, 2013
All criminal cases, new and existing, assigned to the following Judges, and with the exception of the following proceedings within a given criminal case:		
Judge Horton	3F	April 11, 2013
Judge Cocroft	4E	April 11, 2013
Judge Schneider	5A	April 11, 2013
Judge Reece	6A	April 11, 2013
Judge Holbrook	5B	April 25, 2013
Judge Frye	5F	April 25, 2013
Judge Beatty	6B	April 25, 2013
Judge McIntosh	4B	May 2, 2013
Judge Lynch	7E	May 2, 2013
Judge Serrott	6E	May 9, 2013
Judge Fais	6F	May 9, 2013
Judge Brown	5E	May 16, 2013
Judge Hogan	7B	May 16, 2013

Judge O'Donnell	4F	May 23, 2013
Judge Sheward	7A	May 23, 2013
Judge Sheeran	4A	May 30, 2013
Judge Cain	7F	May 30, 2013

*** Exceptions:** Arraignments; the initiating of a Bill of Information (but once a Bill of Information is filed, parties can e-file to that case); extraditions; "Rule 4" proceedings; requests for a Governor's Warrant; Governor's Warrants; criminal miscellaneous cases designated as "MI" (including, but not limited to, subpoenas for persons/records, out-of-state subpoenas, oaths, voting records, partial reports submitted by Grand Jury, entries naming subpoena servers, entries naming forepersons/clerks/deputy forepersons for Grand Jury, true bills, Grand Jury subpoenas, internet services, release records (Google records, Yahoo records, cell phone records, bank records, medical records, cell tower pings, state tax records), disposal of property, GPS tracking devices and search warrant inventories); out-of-county writ of habeas corpus prosequendum; and old criminal cases with alpha-numeric numbering (ex: 89CR-123B). **(Please also refer to Section XI, which addresses in more detail the conventional filing and/or signing of certain forms and documents in otherwise mandatory e-file cases.)**

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, Ohio Crim.R. 12(B), the Ohio Supreme Court Advisory Committee on Technology, the Court's draft Standards for Electronic Filing Processes, and Rule 110 of the Franklin County Rules of Practice of the Court of Common Pleas, the Franklin County Clerk of Courts ("the Clerk") and the Franklin County Common Pleas Court ("the Court") hereby adopt the following Administrative Order governing electronic filing ("e-Filing") in criminal cases.

If necessary, the Court may issue additional administrative orders or adopt local rules that supplement this Order and designate various other case types, other than those identified below, as mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental order or local rule.

This Administrative Order applies to all filers (party filers and non-party filers). Any and all persons or entities who need to file anything in a mandatory e-File case type, unless specifically excluded from that requirement elsewhere in this Order, shall file their documents electronically, as outlined herein.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. Case Type.** A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.
- B. Clerk.** The Clerk of Courts for the Franklin County Common Pleas Court, as defined by the Ohio Revised Code.
- C. Clerk Review.** A preliminary review of electronically submitted documents by the Clerk in accordance with Court rules, policies, procedures and practices. Court clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court rules, policies and procedures, they will be accepted by the Clerk for e-Filing. If the submitted documents do not comply with the applicable Court rules, policies and procedures, they will not be accepted for e-Filing and the Clerk shall notify the filer of the deficiency or problem with the submission.
- D. Case Management System (“CMS”).** A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
- E. Confidentiality or Confidential.** All documents submitted for e-Filing shall be confidential until accepted by the Clerk.
- F. Court Electronic Record.** Any document received in electronic form, recorded in the Court’s Case Management System and stored in the Document Management System. “Court Electronic Record” will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. “Court Electronic Record” will not include physical evidence or exhibits that are not able to be captured in electronic format.
- G. Document.** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record, not to include electronic media.
- H. Document Management System (“DMS”).** A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.
- I. Electronic.** Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities. “Electronic” is not meant to encompass activities involving facsimile transmission.

- J. Electronic Filing (e-Filing).** The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.
- K. Electronic Service (e-Service).** The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.
- L. Electronic Signature.** An electronic sound, symbol or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- M. Electronic Record.** A record created, generated, sent, communicated, received or stored by electronic means.
- N. Filer/Filing Party.** Any person, agency or entity that is filing a document in a case pending in the Franklin County Common Pleas Court, or in which the Court may exercise jurisdiction. The use of the words “filer” and “filing party” shall include party and non-party filers.
- O. Mandatory Case Types.**

Civil: A separate Administrative Order governs the civil cases that have been designated as mandatory e-File cases.

Criminal: With the exception of arraignments, extraditions, Rule 4 proceedings and “MI” cases, all criminal cases shall be mandatory e-File cases, as expressly identified in Section I above.

- P. Original Document.** A document that becomes part of the Court record.
- Q. Registered User.** A person who has read and agreed to the terms of the e-Filing System’s User Agreement, has provided his/her credentials through the e-Filing System proving his/her identity, and has been provided with a user name and password through the e-Filing System.
- R. Signature Pad.** A specialized computer input device, furnished by the Court and available in the courtrooms or other Court facilities, which captures a digitized image of a handwritten signature. Corresponding software then embeds this image into the signed document and prevents further changes to the document, if applicable.

III. ELECTRONIC FILING IN MANDATORY E-FILE CASE TYPES

Pursuant to the schedule listed in Section I and as of the “go-live” dates listed therein, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System. Subject to the exceptions listed in Section I and Section X, the Clerk shall not accept for filing or file any documents in paper format in mandatory e-File case types.

Parties (and non-party filers) shall electronically file their documents by registering to use the Court’s e-Filing System. If a filer does not have internet access, the filer can use the Clerk’s public access computer stations to register to use the e-Filing System and to then file his/her/its documents electronically.

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types shall be registered as users in the e-Filing System.

- A. Documents Submitted in Person.** If a self-represented defendant, an attorney representing a party, or any other person/filer presents a document in person to the Clerk’s office for filing in hard-copy/paper format, and that person/filer is not a registered user of the e-Filing System, the filer shall be directed to a computer station in the Clerk’s office for registration purposes. The Clerk shall provide assistance to the filer during the registration process, if needed, but the Clerk shall not be designated as a filer of any of these documents. Once the filer is a registered user of the e-Filing System, his/her document(s) will be submitted through the e-Filing System.
- B. Documents Received by Mail From Attorneys.** If the Court or Clerk receives, via mail, documents to be filed from a licensed attorney, the documents will be returned to the filer with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically. However, the Clerk may process, subject to Clerk Review, Notices of Appeals to initiate an appeal, provided that the required deposit and /or filing fees have been paid. All subsequent filings in any case so initiated, where the case is a mandatory e-File case type, must be e-Filed.
- C. Documents Received by Mail From Self-Represented Defendants.**
 - 1. If the Court or Clerk receives, via mail, documents to be filed from a self-represented defendant, the Clerk’s office will first register the defendant as a

user in the e-Filing System, noting that this party will **not** receive electronic notification.

2. The Clerk will then scan-in and upload in PDF format the submitted documents on the self-represented defendant's behalf.
3. The Clerk will then e-File the same through the e-Filing System, listing the self-represented defendant as the filer.
4. If a defendant, whether self-represented or represented by an attorney, submits any documents and/or letters, via mail, addressed to the assigned Judge's chambers, the same process as that outlined above shall be followed in the event the Judge requests that the documents/letters be filed.

D. Documents Received From Indigent Defendants. Please refer to Section XVI.

E. Authorization. Parties to an assigned e-File case, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the case(s) electronically. By definition, parties filing electronically or receiving electronic service of any documents filed shall become participants in the e-Filing System.

V. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VI. SELF-REPRESENTED DEFENDANTS

Self-represented defendants who present to the Clerk in person, for filing purposes, documents in hard-copy/paper format, shall be accommodated as follows:

- A. The Clerk shall first provide and direct the self-represented defendant to a secured public access computer station, from which the defendant (and any other litigant or filer) will be permitted to register to use the e-Filing System.
- B. The Clerk shall then scan the paper documents, save them in a PDF format, and return the paper copies to the self-represented defendant.
- C. The self-represented defendant can then e-File his/her documents, now scanned in and saved in a PDF format, through the e-Filing System.
- D. Unlike the process followed with respect to *pro se* parties in civil cases, the self-represented defendant will not receive electronic notification through the e-Filing system, regardless of whether or not he/she has an e-mail address and/or access to the Internet in order to receive electronic notice. Instead, the self-represented defendant shall be entitled to paper copies of all filed documents that need to be served upon the defendant.

VII. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings and papers shall be filed with the Clerk in Portable Document Format (PDF), with the exception of proposed orders. Proposed orders shall be submitted in a Microsoft Word (.doc or .docx) format and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the proposed orders to the assigned Judge.

- A. **Size of Filing.** Submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.
- B. **Font Style and Size.** Documents created for e-Filing shall be double-spaced, in either Times New Roman or Arial font style and at least 12 point type.

C. Signatures.

1. **Attorney's/Filer's Signature.** Any document filed electronically with the Clerk that requires an attorney's or a filer's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name
Supreme Court ID Number (#1234567)
Attorney for (Plaintiff/Defendant)
ABC Law Firm
Address
Telephone
Email
Fax

The conformed signature on an electronically filed document, submitted through the use of the attorney's/filer's unique username and password, is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and/or any other law.

The attorney/filer who signs the electronically filed document shall be the attorney/filer whose unique username and password are used to file the document.

2. **Multiple Signatures.** When a stipulation or other document requires two or more signatures, one of the following options may be used:
 - a. If the document is a form/entry that can be filled-in, a signature pad shall be used by all parties to sign the electronic document. The form/entry will then be saved to a shared access drive. The Judge will access the completed form/entry off of the shared access drive to sign it electronically.
 - b. If the document is not a form that can be filled-in, then all affected parties must sign the document by hand and the requesting party/party submitting the document must scan-in and e-file the document, in PDF format.
 - c. To the extent one attorney is signing the form/entry on behalf of another attorney, with his/her prior authorization to do so, the following process shall be followed:

- i. The filing party or attorney shall sign the stipulation or document him/herself as follows: “/s/ John Smith.”
 - ii. The filing party or attorney shall then sign the document on behalf of the other attorney by confirming in writing that the contents of the document are acceptable to the person on whose behalf he/she is signing, indicating the agreement of that person at the appropriate place in the document, usually on the signature line. Ex: “/s/ Jane Doe, per written authorization, by John Smith.”
 - d. Notwithstanding the foregoing, continuance entries, which require multiple signatures, shall not be signed with the “/s/” electronic signature, Continuance entries shall be hand-signed then scanned-in and filed as outlined in Section XI.
- 3. Third-Party Signatures.** A document containing the signature of a third party who is not a party to the action (ex: affidavit, etc.) shall be electronically filed only as a hand-signed scanned-in PDF document.
- 4. Defendant’s Signature.** A document that needs to be signed by the defendant (regardless of whether he/she is self-represented or represented by an attorney), but that also needs to be signed by the Judge, shall be submitted as a filled-in form that shall be signed by all parties through a signature pad. Notwithstanding the foregoing, and with the approval of the assigned trial judge, defense counsel may sign a continuance entry on behalf of his/her client when the client is unavailable. Continuance entries will be signed manually and filed as outlined in Section XI.
- 5. Judge/Judicial Officer Signature.** Electronic documents may be signed by a Judge or judicial officer via a digitized image of his or her signature superimposed over the Court seal. All decisions, orders, decrees, judgments and other documents signed in this manner, through the use of the Judge’s or judicial officer’s unique username and password, shall have the same force and effect as if the Judge or judicial officer had affixed his or her signature to a paper copy of the document. Because proposed orders and entries submitted via the Court’s e-Filing System will be signed electronically, the proposed orders and entries shall not contain a blank signature line for the Judge’s signature.

D. Document Types.

- 1. Motions shall be filed in a PDF format, and they may either be signed by hand and scanned-in, or they may be signed electronically with the “/s/ name” electronic signature.

2. Proposed orders and entries shall be filed in word document (.doc or .docx) format, with no mail merge fields embedded in the documents. Proposed orders/entries also may not contain picture boxes, which are actually in PDF format, but have been copied and pasted into the word document.

All proposed orders/entries shall be signed by the attorney/filer submitting the same, indicating the attorney/filer has approved the order/entry.

Proposed orders/entries will be transmitted by the e-Filing System to the assigned Judge. Proposed orders/entries may be modified or replaced by the Court prior to acceptance. Counsel are advised to read and review the signed orders for any revisions or additions thereto.

3. Excluding trial exhibits, all exhibits capable of being filed electronically shall be filed in PDF format and shall, to the extent possible, be filed along with the motion or brief to which they apply. Exhibits that must be filed separately (ex: exhibits accompanying a motion that exceed the filing size limitations, etc.) shall be accompanied with a cover page that contains the full case caption and case number of the case in which they are filed. If filed in multiple parts, exhibits shall be clearly marked to identify which part of the submission they contain (Ex: "Exhibits A through J – Part 1 of 3"). To avoid confusion, and unless necessary to the argument being made, exhibits previously filed in other cases shall not bear any case numbers associated with the previous cases.

VIII. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

Documents may be submitted to the Clerk for e-Filing 24 hours a day, seven days a week. Documents may be deemed filed, however, 24 hours a day, five days a week. Documents electronically submitted for e-Filing shall be deemed filed on the date and time as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

The e-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents.

- A. Upon receipt of an electronic document submitted for filing, the e-Filing System shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59p.m. on a Friday or after 11:59p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following business day.

- B. An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.
- C. If a document submitted for e-Filing has been accepted by the Clerk after Clerk Review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined in Section A above). Subject to the exceptions noted in Section F below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.
- D. In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official Court record and the e-Filer will be required to re-file the document to meet necessary filing requirements.
- E. If a document is submitted for e-Filing prior to 11:59p.m. on a Friday or prior to 11:59p.m. on a business day that is not a Court holiday, and that document is then accepted for filing after Clerk Review, the date and time reflected on the electronic stamp on the document (i.e., the date and time of receipt of submission, as outlined in Section A above), shall be the date and time the document is deemed to have been filed.
- F. If a document is submitted for e-Filing after 11:59p.m. on a Friday or after 11:59p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following business day, even though the electronic stamp on the document will bear the date and time of submission of said document. This does not in any way alter the provision in Crim.R. 45 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday, run until the end of the following day that is not a Saturday, a Sunday, or a legal holiday.
- G. Unlike non-Court filers, Judges and Magistrates do not receive confirmation notices that their decisions and orders have been received by the Clerk. Nonetheless, the e-Filing System tracks the date and time of receipt of all electronic submissions, as described in Paragraph A above. Any documents submitted for e-Filing by the Court, after having been signed electronically, shall be deemed to have been filed as of the date and time of receipt of the same by the Clerk through the e-Filing System. Although such filings must still be reviewed and accepted by the Clerk, which may delay the posting of the signed, time-stamped image of the documents onto the Court's CMS and DMS, the electronic transmission of a document with an electronic signature by a Judge or Magistrate, executed and submitted in compliance with procedures outlined herein, shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

IX. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT OF COURT-CREATED DOCUMENTS

In all e-File case types, the Court shall issue, file and serve all notices, decisions, orders and other documents that are created by the Court electronically, through the Court's e-Filing System, subject to the applicable provisions in the Court's local rules. The Court shall serve self-represented defendants and parties who are not registered users of the Court's e-Filing System with paper copies of all notices, decisions, orders and other documents that are created by the Court

The electronic transmission of a document that has been electronically signed by a Judge or Magistrate in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Civil Rules, Ohio Criminal Rules, Rules of Superintendence, and the Local Rules of this Court.

X. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

Subject to the exceptions noted in Sections A and B below, it shall be the responsibility of the filing party to serve all documents filed subsequent to the arraignment proceeding on all other parties in a mandatory e-File case. The filing party shall make service upon all other registered users of the e-Filing System electronically via the Court's authorized e-Filing System, with the exception of self-represented defendants, who shall be entitled to paper copies of any such filings. Parties, or their designated counsel, shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

A. Arraignment-Related Filings

Arraignment-related filings will not be e-Filed.

B. Service of Filings Subsequent to Arraignment.

1. All motions, memoranda and proposed entries subsequent to the arraignment process, with the exception of filings related to extraditions, Rule 4 proceedings, requests for a Governor's Warrant, Governor's Warrants, cases designated as "MI" cases, out-of-county writ of habeas corpus prosequendum, and old criminal cases with alpha-numeric numbering as noted in Section I, and with the exception of the entries and forms that are to be conventionally signed and/or filed as set forth in Section XI, shall be filed electronically in accordance with these procedures. When such documents are e-Filed, the e-Filing System will generate a "Notice of Electronic Filing" to the filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service, with the exception of self-represented defendants who may also be registered users of the e-Filing System. If the recipient is a registered user, a courtesy "Notice of Electronic Filing" e-mail will be

delivered to the user's e-Filing-designated e-mail account and a similar notification will appear on the user's notifications page in the e-Filing System. This electronic notice through the e-Filing System shall constitute service of that document upon that party in accordance with the applicable rules of the Court, unless the registered user is also a self-represented defendant. All self-represented defendants, regardless of whether or not they are also registered users of the e-Filing System, are entitled to paper copies of all filed documents. It is the responsibility of the registered user to check his/her notifications page in the e-Filing System for notices pertaining to recent filings, and to not rely solely on the courtesy e-mails delivered to the user's designated e-Filing e-mail account. It is also the responsibility of the registered user to ensure the courtesy e-mails with notices of electronic filings are not blocked by the spam filter of his/her designated e-Filing e-mail account

2. A Certificate of Service is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-Filing, and shall designate that date as the date of service of said document.
3. Parties who are not registered users of the e-Filing System and all self-represented defendants (even if they are registered users in the e-Filing System) are entitled to a paper copy of an electronically filed document. The filing party shall serve all non-registered parties and all self-represented defendants with the document in accordance with the applicable rules of the Court. Upon notification that its document has been accepted for e-Filing, the filing party shall print out a copy of the e-Filed document and mail it to the non-registered users and self-represented defendants at said parties' last known addresses.
4. The filing party is also responsible for the service of any proposed orders and entries submitted to the Court through the e-Filing System. Upon notification that its proposed order or entry has been approved by the Court and e-Filed, the party who submitted that proposed order or entry shall print out a copy of the e-Filed order or entry and mail it to all non-registered parties and all self-represented defendants on that case, at those parties' last known addresses. The electronic notification appearing on a registered user's notifications page through the e-Filing System, along with the courtesy "Notice of Electronic Filing" e-mail delivered to the registered user's e-Filing-designated e-mail account, shall constitute service of that order or entry upon that party in accordance with the applicable rules of the Court.
5. Crim.R. 45 provides that service upon an attorney or upon an unrepresented party shall be made in accordance with Civ.R. 5(B) and Civ.R. 5(D). The Ohio Supreme Court recently adopted amendments to the Ohio Rules of Civil Procedure, specifically Civ.R. 5(B) and Civ.R. 6(D). Pursuant to those amendments, as of July 1, 2012, parties served electronically

shall no longer be entitled to the three-day extension of time to respond that they would otherwise be entitled to if they were served by mail or by a commercial carrier service. This limitation to the application of “the three-day rule” applies only to documents served subsequent to the Complaint.

6. A filer who brings a document to the Clerk’s office for scanning and uploading to the e-Filing System shall serve paper copies of the same on all non-registered parties and all self-represented defendants in the case. Such a filer will have to print out (via the Clerk’s print services and at a rate set by the Clerk, or via any other computing and/or print station) a copy of the e-Filed document and mail it to the non-registered parties and self-represented defendants. However, such a filer shall serve all registered users on that case electronically via the e-Filing System (e-Service).
7. Documents shall be filed under seal only with prior Court order.

C. Service on Parties: Time to Respond or Act.

1. E-Service of an electronically filed document shall be deemed complete when the registered user receives the notice appearing on his/her notifications page through the e-Filing System, notifying said user that the specific document has been e-Filed.
2. Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said document, i.e., the date on which the attached document was submitted to the e-Filing System for e-Filing.
3. The time to respond to documents received via e-Service or otherwise shall be computed in accordance with the applicable rules of Court, including the Ohio Rules of Criminal Procedure, the Ohio Rules of Civil Procedure, and the Franklin County Rules of Practice of the Court of Common Pleas.

D. Failure of Electronic Service. If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party’s response deadline or the period within which any right, duty or act shall be performed.

XI. CONVENTIONAL SIGNING AND/OR FILING OF DOCUMENTS

Notwithstanding the foregoing, and in addition to the exceptions noted in Section I, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court.

- A. Motion for Approval of Payment of Appointed Counsel Fees and Expenses (Financial Disclosure/Affidavit of Indigence).** This type of motion/form will continue to be filled out manually in paper format and presented in person.
- B. Clerk's/Auditor's Transcript Fee for an Indigent Defendant.** This type of form will continue to be filled out manually, in person and in paper format, and presented at the front counter of the Clerk's office, after the Court Reporter has completed the form.
- C. "Bond Surrender" Form.** This type of form will continue to be filled out manually, in person and in paper format, at the front counter at the Clerk's office, after the filer's identity has been verified.
- D. Continuance Form.** Counsel will fill-out the continuance form manually, in paper format and in chambers, and will obtain the Judge's hand-signature. A new date will be given either by chambers or by the Assignment Office, depending on the assigned Judge's chambers' protocol. The prosecutor will then take the completed continuance form to the Assignment Office, where the document will be scanned-in and e-filed by Assignment staff. After the form has been scanned-in, it will be returned to the prosecutor.
- E. Nolle Prosequi.** These entries will be e-filed by the Prosecutor's Office but they will be submitted in a .PDF format, not in a word document format. They will then be signed electronically by the Judge.
- F. Expungements.** Probation staff will continue to bring the expungement folders to dispositions for the expungement hearings. The Judge will then physically sign one of the entries (granted, denied, withdrawn), and the folders will be returned to the Judicial Program Assistant, who will then scan-in and e-file the signed entries. If an expungement hearing is continued, an electronic processing sheet will need to be filled out and e-filed as a criminal disposition sheet.
- G. Diversion Waiver/Entry Judge Unassigned and Diversion Waiver/Entry Judge Assigned.** These forms will be filled out and signed manually. They will then be scanned-in by Diversion staff and e-filed as PDF documents.
- H. Drug Court Forms.** The following forms will be filled out manually, the hand-signatures of all necessary parties will be obtained, and the forms will then be scanned-in and uploaded for e-filing by the TIES Coordinator/Staff:

 - 1.) Consent and Waiver by Defendant for Referral to TIES Program to be Evaluated for Program Eligibility and Admission;

2.) Entry Transferring Defendant's Case to TIES Program; and

3.) Consent, Waiver and Agreement by Defendant for Admission to TIES Program.

- I. Explanation of Duties to Register as a Sex Offender or Child Victim Offender.** This form will continue to be manually filled out by counsel, and it will continue to be distributed to the appropriate agencies in paper format. The defendant will receive a paper copy of the form while he/she is in the courtroom. If the defendant lives in another county, the bailiff will mail a paper copy of the form to the Sheriff's office of the defendant's county of residence. The Clerk will receive the remaining copies of this form in paper format.
- J. Notice of Duties to Register as an Arson Offender.** This form will continue to be manually filled out by counsel, and it will continue to be distributed to the appropriate agencies in paper format. The defendant will receive a paper copy of the form while he/she is in the courtroom. If the defendant lives in another county, the bailiff will mail a paper copy of the form to the Sheriff's office of the defendant's county of residence. The Clerk will receive the remaining copies of this form in paper format.
- K. Oath of Interpreter.** This form will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the bailiff (defendant name and case number) and will then be signed in the courtroom by the interpreter and the Judge through the use of the signature pad. The bailiff will then save the signed form to the shared network location and from there Court staff will upload it for e-filing.
- L. Report of Drug Offense Conviction.** This form will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the prosecutor and saved on the shared network location. From there, the form will be accessed by the Judge and signed through the use of the signature pad in the courtroom. The bailiff will then save the signed form to the shared network location and from there Court staff will upload it for e-filing. The bailiff will also print out and mail a copy of this form to the Bureau of Motor Vehicles.
- M. Report of Convictions Instructions to the Court.** This form will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the prosecutor and saved on the shared network location. From there, the form will be accessed by the Judge and signed through the use of the signature pad in the courtroom. The bailiff will then save the signed form to the shared network location and from there Court staff will upload it for e-filing. The bailiff will also print out and mail a copy of this form to the Bureau of Motor Vehicles.
- N. Entry for Limited Driving Privileges.** This form will continue to be filled out and signed manually. Once signed by the Judge, the form will be scanned-in and e-filed by Court staff.

- O. Judge Recusals.** These forms will continue to be filled out and signed manually by chambers and brought to the Director of Court Support Services to be e-filed.
- P. Entry Waiving Right to Counsel.** This entry will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the bailiff and then signed by the defendant, the prosecutor and the Judge through the use of the signature pad in the courtroom. Once the entry has been signed by the Judge, it will be saved to the shared network location and from there uploaded by Court staff for e-filing.
- Q. Entry Waiving Right to a Jury Trial.** This entry will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the defendant's counsel and then signed by the defendant, the defendant's counsel, the prosecutor and the Judge through the use of the signature pad in the courtroom. Once the entry has been signed by the Judge, it will be saved to the shared network location and from there uploaded by Court staff for e-filing.
- R. Notice of Right to Appeal.** This entry will be a fillable PDF document that will be accessible via a shared network location. It will be filled out by the bailiff and signed by the defendant, the defendant's counsel and the Judge through the use of the signature pad in the courtroom. Once the entry has been signed by the Judge, it will be saved to the shared network location and from there uploaded by Court staff for e-filing.
- S. Documents Filed Under Seal.** A party shall file documents to be sealed only after an order sealing the documents has been signed and journalized.

Unless otherwise ordered, all documents that are covered by a protective or other order requiring that they be filed under seal shall be submitted to the Clerk for filing in a securely sealed envelope.

The face of the envelope containing such documents shall contain a conspicuous notation that it contains "DOCUMENTS UNDER SEAL" or the equivalent. It shall also contain the case caption, a descriptive title of the document (unless such information has been included among the information ordered sealed), and the date of any order or reference to any statute permitting the item to be sealed.

The Clerk's file stamp and appropriate related information or markings shall be made on the face of the envelope. The Clerk shall file the document in accordance with any judicial order for sealing, or statute permitting filing under seal, and the Clerk's internal procedures for filing of sealed documents. If not prohibited by the order for sealing, the document shall be scanned, uploaded to the system, and reviewed for quality assurance. Once quality assurance is completed, the documents shall be destroyed, unless otherwise ordered by the court or unless a

request is made for the return of the document by the filing party. If the request is granted, the filing party shall provide the Court with the proper mailing materials for return of the document.

Should the documents be ordered unsealed and maintained in the case record, the Clerk shall change the electronic restriction of the document, which preserves the actual date of the filing of the document.

T. Documents to be presented to the Court for *in camera* review. Any documents submitted for *in camera* inspection shall be submitted to the assigned Judge outside the e-Filing System.

U. Exhibits. Every reasonable effort shall be made to submit all exhibits electronically whenever practicable. However, exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally. Such exhibits shall be identified by a cover page using the caption of the case, the case number and the assigned judge, and shall provide other information identifying the name and party designation of the filer. Example: "Exhibits in Support of Defendant John Doe's Motion to Strike."

V. Notices of Appeal. As of August 1, 2012, the Local Rules of the Tenth District Court of Appeals allow notices of appeal to be filed either electronically or in paper form, depending on whether the case type of the case being appealed is subject to mandatory e-Filing. Therefore, in light of *Louden v. A.O. Smith Corporation*, 121 Ohio St.3d 95, 2009-Ohio-319, 902 N.E.2d 458, after August 1, 2012, notices of appeal may be either e-Filed or filed in paper form. Counsel shall consult the Local Rules of the Tenth District Court of Appeals to determine the proper means of filing a specific notice of appeal.

W. Vision-Impaired Filers. Due to limitations associated with the electronic readers used by some vision-impaired filers, vision-impaired filers may petition the Court for leave to file in paper format. A motion seeking exemption from the mandatory e-Filing requirements may be filed in paper format.

XII. DEPOSITION TRANSCRIPTS

If a party reasonably believes that deposition transcripts will be needed as evidence pertaining to any motions or other proceeding, those deposition transcripts shall be filed electronically. If ordered by the Court, deposition transcripts shall also be filed in paper using condensed or "minuscrit"® format, and two-sided copying. All deposition transcripts filed with the Clerk must include a witness signature page and statement of changes in form or substance made by the witness pursuant to Civ.R. 30(E) and Crim.R. 15.

XIII. NON-PARTY FILERS

If a non-party entity receives an electronic document from the Court or the Clerk, and is asked to perform an act with respect to the same (serve it, obtain a signature, fill it out and submit it back to the Court/Clerk, etc.), it is that entity's responsibility to carry out the requested act, make the appropriate notations on the document/form, and then scan-in and upload the same for electronic filing back to the Court/Clerk. Once the paper document has been scanned-in and submitted electronically through the e-Filing System pursuant to the procedures identified herein, the electronic document becomes a part of the Court's official electronic record. Notwithstanding any entity-specific rules or statutes pertaining to records retention that may state otherwise, the non-party filer need not keep a paper copy of the electronically submitted document once the non-party filer receives confirmation from the Clerk that the document has been reviewed and accepted for e-Filing.

XIV. REQUEST TO BROADCAST/TELEVISION/RECORD/PHOTOGRAPH COURT PROCEEDINGS

The media representative/party requesting permission to broadcast, televise, record and/or photograph a court proceeding will access this form, which will be a fillable .PDF document, through either the Court's or the Clerk's websites. The form can be found under Document Category: "Media," Document Type: "Proposed Order Media Permission." The form will be filled out by the media representative and e-filed as a proposed entry for the Judge's signature.

XV. OFFICIAL COURT RECORD

For a document that has been electronically filed, or a document that has been presented in paper format that has then been scanned-in and uploaded to the e-Filing System, the electronic version of that document constitutes the official Court record.

XVI. USER FILING ERRORS AND TECHNICAL PROBLEMS

A. User Filing Errors

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's office. A filer cannot make changes to any document once it has been submitted and accepted for filing.

A document that is incorrectly submitted for e-Filing (e.g., as a result of entering a wrong case number, selecting an incorrect document type, attaching an incorrect PDF file to a

submission for e-Filing, or where the electronic file is corrupt or unreadable) may be deleted from the e-Filing System as long as the document has not been accepted for filing by the Clerk's office.

In the event of an incorrect case number or an electronic file that is corrupt or unreadable, the Clerk will reject the submission and notify the filer of the error(s) and of the need to re-submit. However, where the error consists of something other than a wrong case number or a corrupt file, the filer should, as soon as possible after the error is discovered, contact the Clerk's office and provide the case number and document number for which a correction is being requested. The Clerk may then delete the document from the e-Filing System. The Clerk shall immediately notify the filer of the error and the need to resubmit, if appropriate. The Clerk will not delete the relevant docket text, but will annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.

However, once a document has been accepted for e-Filing by the Clerk, only a Judge can strike the document in the event it has been filed in error.

B. Technical Failures

The Clerk shall deem the e-Filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the web site, if possible.

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document, in PDF format, through the public access computer stations in the Clerk's office.

If a document submitted electronically for filing is not filed with the Court because of an error in the transmission of the document to the e-Filing System, whether that error originates with the e-Filing System or at the filer's end, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was electronically submitted. The Court may specify by local rule, or otherwise, a procedure for seeking relief under this provision. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as statutes of limitation or deadlines for appeal).

XVII. METHOD OF PAYMENT

Unlike in civil cases, there are no deposits as security for costs or any other filing fees in criminal cases, with the exception of expungement-related filings. Fees related to requests for expungements shall be paid either by credit card through the e-Filing System or in person at the Clerk's counter. Payments made to probation will continue to be accepted in person at the Clerk's counter.

Notwithstanding the foregoing, filers who qualify for indigent status, along with some government agencies, will need to have their costs (if any) deferred, and the Clerk and/or the Court will need to validate that those parties are in fact indigent or that they represent a qualifying government agency.

A. Approval of Affidavit of Indigence:

1. In-Person Presentation of Affidavit of Indigence

- a.) When an indigent party presents to the Clerk, in person, documents to be filed, and those documents are accompanied by an affidavit of indigence, the Clerk will direct said party to a public access computer station to register as a user of the e-Filing System. If necessary, the Clerk will assist said party with the registration process. The Clerk will scan-in and upload in PDF format the documents to be e-Filed. The indigent party will then e-File his/her documents, including the affidavit of indigence.
- b.) The indigent party will **not** receive electronic notification through the e-Filing System.
- c.) The affidavit of indigence will then be reviewed by the Judge or Magistrate assigned to that case.
- d.) In the event the affidavit of indigence is rejected by the assigned Judge or Magistrate and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

2. When Affidavit of Indigence is Mailed to the Clerk

- a.) When an indigent party mails to the Clerk documents to be filed, and the documents are accompanied by an affidavit of indigence, the Clerk shall:
 - 1.) register the indigent party as a user of the e-Filing System;
 - 2.) scan-in and upload in PDF format the submitted documents on the indigent

party's behalf; and 3.) e-File the same through the e-Filing System on the indigent party's behalf, listing the indigent party as the filing party.

- b.) The indigent party will **not** receive electronic notification through the e-Filing System.
- c.) The affidavit of indigence will then be reviewed by the Judge or Magistrate assigned to that case.
- d.) In the event the affidavit of indigence is rejected by the assigned Judge or Magistrate and, after proper notice, the indigent party fails to pay the applicable filing fees and deposit as security for costs, the case will be dismissed.

B. Fee Deferral for Certain Government Agencies. If a filer is a government agency or other entity from which pre-payments are not required by statute, rule or practice, the documents submitted for e-Filing by that filer must include a clear indication that they are filed by, or on behalf of, an agency or entity entitled to deferral of, or exemption from, the payment of deposits as security for costs or pre-payments that would otherwise be required in connection with the filing.

XVIII. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically.

XIX. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public can view and print e-Filed documents on public access computer stations located in the Clerk's office. Users shall be charged for printed copies of documents at rates established by the Clerk.

XX. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective immediately.

SO ORDERED:



Administrative Judge

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JUDGES OF THE FRANKLIN COUNTY COMMON PLEAS COURT
CRIMINAL DIVISION
